IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 15541 of 2005

Between:

Sri Gopalakrishna Sheep Breeders Cooperative Society (SBCS)
Rep by its Chief Promoter, K.Narender yadav, Salvid Village, Kulakcherla Mandal, Ranga Reddy district.

..... PETITIONER

AND

Regional Joint Director, Animal Husbandry, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction more particularly one in the nature of writ of mandamus declaring the proceedings in Lr.ROC.No.6445/B2/2003 dt.17-6-2005 issued by respondent deregistering petitioner society as arbitrary, illegal and ion Violation of Principles of Natural Justice.

Counsel for the Petitioner: MR.VIJAY KUMAR HEROOR

Counsel for the Respondent: GP FOR ANIMAL HUSBANDRY

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner, which is a Sheep Breeders Cooperative Society, aggrieved by the proceedings of the respondent dated 17.06.2005 deregistering the petitioner-Society.

According to the petitioner-Society, on certain information from a third party, the respondent obtained a report as to the functioning of the Society as well as the eligibility of the members of the Society.

According to the respondent, the members of the petitioner-Society who are 11 in number do not possess any sheep and they are not genuine shepherds. Therefore, the Assistant Director (AH), Chevella was asked to conduct enquiry personally and after conducting enquiry, he submitted a report. Basing on the said report, the respondent passed the impugned order deregistering the petitioner-Society.

Now, the grievance of the petitioner-Society is that at no point of time, it was put on notice or any show cause notice was issued calling for explanation of the petitioner-Society, before passing the impugned

order. Therefore, it sought to quash the impugned proceedings for violation of principles of natural justice.

Heard the learned counsel for the petitioner and the learned Government Pleader for Animal Husbandry appearing for the respondent.

Without going into the merits of the contentions advanced and the findings recorded in the impugned order, on the mere ground of violation of principles of natural justice for not issuing a show cause notice and giving opportunity to the petitioner-Society, the impugned order is liable to be quashed. Accordingly, the same is quashed. However, it is made clear that this order shall not preclude the respondent-authorities to issue a show cause notice and give an opportunity to the petitioner-Society to explain the allegations made against it in the report submitted by the Assistant Director (AH), Chevella. After receiving such explanation from the petitioner-Society, it is open to the respondent to pass appropriate orders in accordance with law.

The writ petition is accordingly allowed. No costs.

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19.07.2005

VGB

To

1. Regional Joint Director, Animal Husbandry, Hyderabad.

2. 2CCs to the Government Pleader for Animal Husbandry, High Court Buildings, Hyderabad. (OUT)

3. 2CD copies.